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Faculty of Graduate and
Postdoctoral Studies

Office of the Dean

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Ms. Erika Hansen-Reeder

Assistant Director, University Secretariat

Office of the Vice-President, Governance

Tabaret Hall, 550 Cumberland, Room 206

INTRA

**Re: Appeal in relation to refusal to allow PhD thesis to go forward to defence –
ALI, Nicholas (5033260)**

Nicholas Ali was withdrawn from the PhD program in Human Kinetics due to the fact that his doctoral thesis, co-supervised by Professors Gordon Robertson and Gholamreza Rouhi, was not found acceptable for defence despite having been revised. The first version of the thesis, submitted on 19 October 2011, was sent to four examiners---three internal and one external. Two of the four deemed that it was not acceptable for defence and that it needed extensive revisions to make it so (verdict # 3). One examiner deemed that it failed to meet the standards for the degree and that it would not meet them even with extensive revision (verdict # 4). Only one of the four deemed that it was acceptable for defence, albeit with revisions to be done after the defence (verdict #2).

The student revised the thesis and submitted the revised version on 10 May 2012. It was sent to the same four examiners, along with a 117-page document responding to the comments made by each of the examiners. One of the four examiners, the one who had assigned verdict # 4, withdrew shortly afterwards. The result of the evaluation by the remaining three examiners was as follows: one deemed that it was not acceptable for defence but needed major revisions (verdict # 3), another deemed it acceptable on the understanding that revisions would be done after the defence (verdict # 2) and a third examiner deemed it acceptable for defence (verdict # 1). Note that pursuant to Faculty of Graduate and Postdoctoral Studies (FGPS) general regulation G. 5.1 b) i) doctoral theses must be reviewed by four examiners. The Dean of the FGPS, following consultation with Dr. Robertson (Dr. Rouhi is no longer at the University of Ottawa), sent the revised thesis to a fourth examiner, the second of the two external examiners that had originally been proposed (with the student and supervisors' agreement). This examiner (Dr. Pierrynowski) deemed that the thesis was not acceptable for defence and that it still needed extensive revisions to make it so (verdict # 3). Pursuant to FGPS general regulation 5.2, a thesis where even one examiner is opposed is referred to the Dean of the FGPS. In this instance, two examiners were opposed. A third agreed that it was acceptable but on the understanding that it would need revision after the defence. The one examiner who deemed it acceptable (Dr. Michel Labrosse) expressed his discomfort with evaluating the thesis, stating that the student's research was outside his area and that his comments may not be very pertinent (e-mail to Christine Bourbonnais-Hendley dated 24/09/2012 which can be found in the package submitted to the FGPS in "Assorted Correspondence"). It was on the basis

of these four evaluations that the Dean of the FGPS informed the student that his thesis was not approved to go forward to defence. For a more detailed chronology, see the attached document entitled "Evaluation of the PhD Thesis in Human Kinetics of Mr. Nicholas Ali (# 5033260) – Chronology". Mr. Ali appealed the Dean's decision to the Executive Committee of the FGPS. The Committee did not find sufficient grounds to overturn the Dean's decision.

The documents submitted in connection with Mr. Ali's appeal to the Senate Appeals Committee allege that the Appeal Decision of the Executive Committee of the FGPS was flawed by procedural fairness violations and that the thesis review process was also flawed.

Regarding the appeal before the Executive Committee of the FGPS, it is alleged that Dean Hastings "fully participated" (line 5 under point 5 on page 2 of the document "Appeal Submissions of Nicholas Ali" hereafter referred to "Appeal Submissions"). It is alleged that the fact that the Dean did not "completely recuse himself from the appeal constitutes a violation of procedural fairness in the Appeal Decision" (lines 7-8 under point 5 on page 2 of the "Appeal Submissions"). The Executive Committee of the FGPS was presented with extensive documentation in relation to the appeal. It was reasonable that the Dean be available to answer any questions committee members might have. There is no reason to doubt the ability of the committee members, all of whom have considerable administrative, teaching, research and publication experience, to reach a decision based on the information before them. Neither is there reason to believe that the Dean's presence prior to the deliberation and vote constituted pressure on them to support his decision. Far from the Dean's presence constituting a flaw in the proceedings, it was logical and necessary that he be available to provide clarification as required.

Point 7 on page 3 (line 5-6) in the "Appeal Submissions" refers to the fact that five chapters of the thesis have been published and states that "it was incumbent upon the Dean to have considered this in his ultimate decision". The Dean made his decision in light of the reports submitted by the Examining Board. As stated above, only one member of the Board deemed the revised thesis acceptable for defence. The Board was evaluating the thesis as a whole. A series of articles published in different scholarly journals is not automatically a thesis. The decision as to whether or not a thesis meets University of Ottawa standards for the doctoral degree is based on assessments made by examiners chosen by the University of Ottawa, not on decisions made by journal reviewers. Journal reviewers see just one article. The Examining Board sees the entire document submitted by the student. It is possible for them to detect inconsistencies and weaknesses in the work as a whole that would not be apparent from reading just one chapter or paper.

The Executive Committee did not agree that the procedures for evaluating Mr. Ali's thesis were flawed. Point 8 on page 3 in the "Appeal Submissions" takes issue with the Examining Board (mistakenly referred to in line 1 as the "Thesis Supervisory Committee"). Professor Mario Lamontagne is referred to as though he were a member of the Examining Board. He was not and he had nothing to do with the evaluation of either the first version or the revised version of the thesis. He had been the original thesis supervisor for Mr. Ali but that ceased to be the case in 2008. It is alleged that "the involvement and comments of thesis examiner, Dr. Edward Lemaire, (...) taints the entire thesis review process." The documentation shows that Dr. Lemaire was initially reluctant to evaluate the thesis and he acknowledged in an e-mail that he had difficulty being neutral. This disclosure shows that he was conscientious. Both of his reports, which are included in the attachments to this letter under the title "First Evaluation" and "Second Evaluation," are testimony to the careful attention he paid to the thesis. It is alleged that the external examiner, Dr. Graham Caldwell, was in conflict of interest due to a joint publication venture with one of the thesis co-supervisors. It is true that he was not at arm's length from Dr. Robertson. However, to say that he was in conflict of interest is to imply that it was in his interest to give a negative evaluation of the thesis. There is no reason whatsoever to believe that Dr. Caldwell had anything to gain by writing a positive report or to lose by writing a critical one. On the contrary, his connection with Dr. Robertson would have made it more difficult to write a critical report. Dr. Caldwell

provided verdict #2 on the revised thesis. Note that the second external (Dr. Pierrynowski), whose suitability is not in question, concluded that the revised thesis was not acceptable for defence and that it needed extensive revision to make it so (verdict # 3). In the "Appeal Submissions," it is alleged that none of the examiners were experts in the area of the thesis. There was no complaint about their level of expertise until after the student had received their reports. These are the examiners that were proposed initially by the School of Human Kinetics, following a recommendation from Dr. Robertson and with the student's knowledge, to the Dean of the FGPS.

It is repeatedly alleged in the "Appeal Submissions" for the Senate Appeals Committee that the Dean made a substantive decision regarding the thesis, implying that the Dean took on the role of disciplinary expert. A similar criticism was made regarding the members of the Executive Committee of the FGPS. The Dean and the members of the Executive Committee did not need to be disciplinary experts to reach the conclusion that the reports, while differing in details, were written in a professional way, referring to specific aspects or points in the thesis. They did not need to be disciplinary experts to conclude that the thrust of the reports, with one exception, was that the revised thesis still needed revision (after defence in one case, before defence in the other two) to make it acceptable for defence. Mr. Ali and Mr. Hameed have not provided the examiners' reports to the Senate Appeals Committee. They are to be found in the documents submitted to the Executive Committee of the FGPS under the rubric "First Evaluation" and "Second Evaluation."

The "Appeal Submissions" infer that there was a failure of full disclosure with respect to the appeal before the Executive Committee. In particular, under point 8 (line 5-6), reference is made to the fact that the FGPS did not forward to Mr. Ali an e-mail sent by Professor Lamontagne on 3 May 2013 to members of the Executive Committee. This e-mail reported a posting made by Mr. Ali on the biomechanics research listserv. By May 3rd, the Executive Committee members had already received the documentation relating to Mr. Ali's appeal. The e-mail from M. Lamontagne was not deemed relevant to the appeal and it was not forwarded to Mr. Ali.

Regarding the documentation before the Executive Committee, Mr. Ali was forwarded, in advance of the meeting, everything that was to be provided to the Committee. He was sent it again at his request, along with some additional e-mails after he complained that some e-mails were omitted. Following the meeting of the Executive Committee, all the documentation was again provided to him at his request. Given the volume of documentation, it had to be sent in three separate messages. The Minutes of the meeting were sent to him as soon as they were approved.

Note that the "Appeal Submissions" include several e-mails that were not in the FGPS file, for example, all the items in Exhibit A through E of Attachment G1 of his submission. Many of these e-mails relate to matters that arose while Mr. Ali was a student in the PhD program. This appeal is about whether or not the Dean of the FGPS was correct in his decision not to allow Mr. Ali's thesis to go forward for defence. It is not a review of everything that transpired while he was a student in the PhD program.

In his letter dated 15 July 2013 to the Senate Appeals Committee, Mr. Ali requests to be allowed to defend his thesis orally. Mr. Ali requests, as an alternative, a reconstituted thesis examination board. Mr. Hameed, in his "Conclusion," states that this alternative "would weigh squarely against the merits and justice of the case" and asks to refer the thesis to an oral defence (point 176 on page 29 of the "Appeal Submissions"). Note that an oral defence normally takes place in the presence of the co-supervisors and the Examining Board. Given that Mr. Ali has posted publicly or in the context of this appeal his negative assessment of the latter individuals (with the exception of Dr. Rouhi and Dr. Labrosse), it is difficult to foresee an oral defence. Mr. Ali considers that the Examining Board members are not experts in his field, and that their negative comments are the result either of bias or ignorance. Is there any chance that an atmosphere of respectful intellectual exchange would prevail if a defence were to be arranged? And if not, what purpose would a defence serve?

Regarding the second alternative, that is, the newly constituted committee to which Mr. Ali refers, it is difficult to see who would serve on this committee given that Mr. Ali has posted all the documents relating to his appeal to the Executive Committee of the FGPS on the listserv for researchers in biomechanics. It may prove impossible to find an examiner who is not on that listserv and who has not read that material. Anyone who agreed would be aware of the negative assessments already made on the thesis.

Additional comments on points in the "Appeal Submissions" can be found in a separate document entitled "Clarifications Corrections."

The Executive Committee of the FGPS is respectfully requesting that Mr. Ali's appeal be dismissed.

I would be happy to provide any further clarification or information that may be needed.

Sincerely,
Margaret Moriarty

Attachments:

- ALI, N – Chronology
- ALI, N Clarifications Corrections
- Decision ALI N (5033260)
- Minutes of Meeting of FGPS Executive Committee meeting of 7 May 2013
- Extract from the Minutes of 7 May 2013
- All documentation provided to the Executive Committee of the FGPS